

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

ROBERT D. PARKER,

Plaintiff,

v.

Civil Action No. 5:19-CV-303
Judge Bailey

RN HILEMAN,

Defendant.

ORDER ADOPTING R&R

On December 17, 2020, this Court ordered that the Report and Recommendation ("R&R") be served at plaintiff's updated address via Federal Express [Doc. 40]. According to the Federal Express website, the R&R was delivered December 18, 2020. The R&R specified that objections to were due within fourteen days. To date, plaintiff has not filed objections to the R&R.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge

Mazzone's R&R were due within fourteen (14) days of service, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the above, it is the opinion of this Court that the Report and Recommendation [Doc. 38] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, the Motion to Dismiss, or Alternatively, Motion for Summary Judgment [Doc. 29] is hereby **GRANTED** and the plaintiff's *Bivens* Complaint [Doc. 1] is **DENIED** and **DISMISSED WITH PREJUDICE**. This Court further **ORDERS** that this matter be **STRICKEN** from the active docket of this Court and **DIRECTS** the Clerk to enter judgment in favor of defendant.

It is so **ORDERED**.

DATED: January 5, 2021.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE